

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 33-60 and 62-69 are pending; Claims 33, 36, 39-41, 51-60, 62, 63, 66, 67, and 69 are amended; and Claim 61 is cancelled by the present amendment.

Support for changes to Claim 33 is found in the specification at least on page 12, lines 5-17 and in Claim 61. The remaining changes to the claims address minor informalities. Thus, no new matter is added.

The outstanding Official Action rejected Claims 33-38, 56-66, and 68-69 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,421,348 to Gaudet et al. (hereinafter "Gaudet") in view of U.S. Patent No. 6,233,236 to Nelson et al. (hereinafter "Nelson") and further in view of U.S. Patent No. 5,305,385 to Schanning et al. (hereinafter "Schanning"); and indicated Claims 39-55 and 67 as reciting allowable subject matter.

Applicants acknowledge with appreciation the indication of allowable subject matter. In view of this indication, Claims 39-55 are maintained in dependent form since Applicants submit that Claim 33 as amended patentably distinguishes over the applied references. Additionally, the outstanding Official Action at page 7, paragraph 4 incorrectly objects to Claim 67 since the claim is already written in independent form. Thus, Applicants respectfully request that the objection to Claim 67 be withdrawn.

Applicants acknowledge with appreciation the courtesy of an interview conducted on July 3, 2007 between Applicants' representatives and the Examiner. During the interview, Applicants' representatives proposed amendments to Claim 33 and discussed the differences between Gaudet and the proposed amendments. Applicants' representatives explained that Gaudet fails to disclose or suggest a monitoring unit configured to trigger rejection of a grid. The Examiner indicated that further consideration would be required. Applicants'

representatives also discussed removing the term “signal” from the claims. Arguments and amendments discussed during the interview are reiterated below.

Applicants respectfully traverse the rejections of the claims under 35 U.S.C. § 103(a) for the following reasons.

Claim 33 is directed to a monitoring device. The monitoring device includes, *inter alia*, a monitoring unit configured to analyze contents of at least part of data grids probed by a probe unit, generate and output a warning message to a logical layer when the part analyzed does not meet a selected condition, and trigger rejection of a grid probed by the probe unit upon transmission of the warning message.

Turning now to the applied reference, Gaudet describes the operations of a data exchanger.¹ Figure 1 of Gaudet illustrates data exchangers 110 and 160 connected to each other.

Gaudet describes that two or more data exchangers may pass frames of data between each other. Typically, a frame passed between data exchangers is divided into cells where the first cell in a frame indicates a source ID and a destination address, and the last cell in the frame indicates an end of frame delimiter (EOF).² Gaudet explains that when a data exchanger receives a frame, the source ID and the destination address is parsed from the first cell in the frame and entered into a row in the routing table. Each subsequent cell in the frame contains the same source ID but not the destination address. Therefore, the source ID in each subsequent cell is matched with a row in the routing table, and the cell is routed to the destination address indicated in that row.³

Gaudet further describes that each entry in the routing table includes a valid field that is set to one when the source ID is entered in that row.⁴ When the look up engine detects that

¹ See Gaudet at Figure 1 and the corresponding written description.

² See Gaudet at column 5, lines 49-56.

³ See Gaudet at column 6, lines 26-49.

⁴ See Gaudet at column 6, lines 26-41.

the cell includes an EOF delimiter, the look up engine invalidates the table entry by setting the valid field to zero and transmits the cell according to the destination address indicated in the table entry.⁵ By invalidating the table entry, Gaudet explains that subsequent cells in a different frame with the same source ID are not routed to an incorrect destination address.⁶

Claim 33 is distinguishable over Gaudet as the applied reference fails to disclose or suggest a monitoring unit configured to *trigger rejection of a grid probed by the probed unit upon transmission of the warning message*. The outstanding Official Action asserts that column 6, lines 26-51 of Gaudet discloses this feature as recited in amended Claim 33.⁷ However, as discussed above, this cited portion of Gaudet merely describes that when an EOF delimiter is detected in a cell, a row of the routing table containing the same source ID as the cell is invalidated. Invalidating a table entry in a routing table is different from *triggering rejection of the cell*, as required by Claim 33, because the invalidation of a table entry merely indicates that the end of a frame has been reached. Furthermore, since step 624 of Figure 6 of Gaudet illustrates that the cell is transmitted after an EOF is detected,⁸ Gaudet fails to disclose or suggest that the cell containing the EOF delimiter is not *rejected* upon detection of the EOF.

Applicants have considered Schanning and Nelson, and submit that these applied references fail to cure the deficiencies of Gaudet. Accordingly, Applicants submit that Gaudet, Schanning, and Nelson fail to disclose or suggest all the features recited in amended Claim 33. Thus, Applicants respectfully request that the rejection of Claim 33, and the claims depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

Amended Claim 58, which depends from Claim 33, recites that “the monitoring unit is configured to make each generation of the warning message compatible with an associated

⁵ See Gaudet at column 6, lines 25-50 and Figure 6, step 624.

⁶ See Gaudet at column 7, lines 53-57.

⁷ See the Official Action of March 23, 2007 at page 6, lines 10-14.

⁸ See Gaudet at column 7, lines 44-50 and Figure 6.

port and to trigger invalidation of a connection between the port and the connection circuits when a number of generated warning messages made compatible for the port is higher than a threshold.”

The outstanding Official Action asserts that column 6, lines 26-51 of Gaudet discloses this feature.⁹ As discussed above, this portion of Gaudet merely describes invalidating a table entry upon detection of an EOF delimiter in a cell. Invalidating a table entry upon detection of an EOF is different than *invalidation of a connection between a port and a connection circuit*, as required by Claim 58, because invalidation of a table entry merely indicates that an end of a frame, which is transmitted between data exchangers, has been detected. Even though an EOF delimiter has been detected, the cell is transmitted to the destination address.¹⁰ Thus, since the cell is transmitted to the destination address upon detection of the EOF, the connection between the data exchangers is not *invalidated*. Furthermore, Gaudet fails to disclose or suggest that a connection between data exchangers is invalidated when a number of EOF delimiters detected *is higher than a threshold* as required by Claim 58.

Applicants have considered Schanning and Nelson, and submit that Schanning and Nelson fail to cure the deficiencies of Gaudet. Accordingly, Applicants submit that Gaudet, Schanning, and Nelson fail to disclose or suggest all the features recited in Claim 58. Thus, Applicants respectfully request that the rejection of Claim 58 under 35 U.S.C. § 103(a) be withdrawn on this independent ground.

Claim 59, which depends from Claim 33, recites that “the monitoring unit is configured to make each generated warning message compatible with an associated port and to trigger rejection by the processing unit of the grid seen by the probe unit when a number of generated warning messages made compatible for the port is higher than a threshold.”

⁹ See Official Action of March 23, 2007 at page 6, lines 3-9.

¹⁰ See Gaudet at Figure 6, step 624.

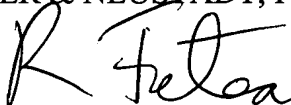
The outstanding Official Action asserts that column 6, lines 26-51 of Gaudet discloses this feature.¹¹ As discussed above, this cited portion of Gaudet merely describes invalidating a table entry upon detection of an EOF delimiter in a cell. Furthermore, as discussed above, invalidating a table entry is different from triggering rejection of a cell, as required by Claim 59, because the cell is transmitted to the destination address after the table entry is invalidated.¹² Furthermore, Gaudet fails to disclose or suggest that a cell is rejected when the number of EOF delimiters detected or table entries invalidated is *higher than a threshold* as required by Claim 59.

Accordingly, Applicants submit that Gaudet fails to disclose or suggest all the features in dependent Claim 59. Thus, Applicants respectfully request that the rejection of Claim 59 under 35 U.S.C. § 103(a) be withdrawn on this independent ground.

Consequently, in view of the present amendment and in light of the foregoing response, it is respectfully submitted that the present invention patentably distinguishes over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Remus F. Fetea, Ph.D.
Registration No. 59,140

¹¹ See Official Action of March 23, 2007 at page 6, lines 3-9.

¹² See Gaudet at column 7, lines 44-50 and Figure 6.